



Article 12. Incineration Requirements of Certain Hazardous Waste

§66268.120. Hazardous Waste with Heating Values Greater than 3,000 British Thermal Units per Pound of Waste.

NOTE: Authority cited: Sections 208 and 25150, Health and Safety Code. Reference: Section 25155.5, Health and Safety Code.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).
2. Change without regulatory effect repealing section filed 3-29-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No.13).

§66268.121. Hazardous Waste Contain More than One Percent of Volatile Organic Compounds.

NOTE: Authority cited: Sections 208 and 25150, Health and Safety Code. Reference: Sections 25123.6 and 25155.5, Health and Safety Code.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).
2. Change without regulatory effect repealing section filed 3-29-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No.13).

§66268.122. Treatment Capacity Exemption.

If the Department determines that adequate incineration or other authorized treatment capacity does not exist within the state, a person disposing of hazardous waste subject to sections 66268.120 and 66268.121 of this chapter is exempt from the treatment requirements of these sections, until the Department determines that adequate incinerator or other treatment is available. This section shall not exempt a hazardous waste specified in sections 66268.120 and 66268.121 from any treatment, handling or disposal standard established by any other provision of law or regulation.

NOTE: Authority cited: Sections 208 and 25150, Health and Safety Code. Reference: Section 25155.5, Health and Safety Code.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

§66268.124. Emergency Variance from Sections 66268.120 and 66268.121.

(a) A hazardous waste producer may request in writing, an emergency variance from the Department pursuant to Health and Safety Code section 25155.7. A producer of a hazardous waste subject to Land Disposal Restrictions established pursuant to section 6924(m) of Title 42 of the United States Code is not eligible for an emergency variance, unless the waste has been granted a variance, extension, or exemption by the EPA Administrator.

(b) After receiving an application for an emergency variance, the Department may request any additional information which it deems necessary to evaluate the application. Within 45 days of receipt of the application, the Department shall inform the applicant, in writing, that the application is complete and accepted for filing, or that the application is deficient and what specific information is required.

(c) On the basis of the information referred to in subsection (b) of this section, the Department may grant an emergency variance of up to 1 year upon the request of the applicant if the demonstration required pursuant to Health and Safety Code section 25155.7, can still be made. In no event will an emergency variance extend beyond 24 months from the date the Department determines the application is complete and accepted for filing. The length of any emergency variance will be determined by the Department based on the time required for the applicant to secure other treatment pursuant to sections 66268.120 and 66268.121. The Department shall make a decision on an application for an emergency variance within 120 days of the filing of a completed application.

NOTE: Authority cited: Sections 208 and 25150, Health and Safety Code. Reference: Section 25155.7, Health and Safety Code; Section 15376, Government Code.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).
2. Editorial correction of printing error in Appendix III-A (Register 92, No. 49).
3. Amendment of Appendices II and IV, repealer of Appendix V, amendment of Appendix VII, new Appendices VIII and IX, and amendment of Note filed 10-24-94 as an emergency; operative 10-24-94 (Register 94, No. 43). A Certificate of Compliance must be transmitted to OAL by 2-20-95 or emergency language will be repealed by operation of law on the following day.
4. Amendment of Appendices II and IV, repealer of Appendix V, amendment of Appendix VII, new Appendices VIII and IX, and amendment of Note refiled 2-21-95 as an emergency; operative 2-21-95 (Register 95, No. 8). A Certificate of Compliance must be transmitted to OAL by 6-21-95 or emergency language will be repealed by operation of law on the following day.
5. Amendment of Appendices II and IV, repealer of Appendix V, amendment of Appendix VII, new Appendices VIII and IX and amendment of Note refiled 6-19-95 as an emergency; operative 6-19-95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-17-95 or emergency language will be repealed by

operation of law on the following day.

6. Amendment of Appendices II and IV, repealer of Appendix V, amendment of Appendix VII, new Appendices VIII and IX and amendment of Note refiled 10-16-95 as an emergency; operative 10-16-95 (Register 95, No. 42). A Certificate of Compliance must be transmitted to OAL by 2-13-96 or emergency language will be repealed by operation of law on the following day.

7. Certificate of Compliance as to 10-24-94 order including repealer of Appendix I, amendment of Appendix II heading, and amendment of Appendices III, IV, VII, VIII and IX transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).

8. Change without regulatory effect repealing appendix II and amending appendices III, IIIA, IX filed 8-15-97 pursuant to section 100, title 1, California code of Regulations (Register 97, No. 33).

9. Change without regulatory effect replacing first paragraph of Appendix VI, repealing and adopting new Appendix VII (Tables 1 and 2), repealing former Appendix IX, renumbering former Appendix VIII to new Appendix IX and adopting new Appendix VIII, Appendix X (reserved) and Appendix XI filed 6-4-99 pursuant to section 100, title 1, California Code of Regulations (Register 99, No. 23).

10. Change without regulatory effect amending heading for appendix VIII filed 1—13—2005 pursuant to section 100, title 1, California Code of Regulations (Register 2005, No. 2).